

राजस्टड नं० ल०-३३/ए०००८०१४.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 25 फरवरी, 1989/6 फाल्गुन, 1910

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-२, 25 फरवरी, 1989

क्रमांक एल० एल० आर० (डी) (6) 15/88-लैजिस्लेशन—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 24 फरवरी, 1989 को अनुमोदित हिमाचल प्रदेश पांथचती राज (संशोधन और विधि मान्यकरण) विधेयक, 1988 (1988 का विधेयक

संख्यांक 14) को 1989 के हिमाचल प्रदेश अधिनियम संख्यांक 4 के रूप में संविधान के अनुच्छेद 348(3) के प्रधीन उसके प्राधिकृत अंग्रेजी पाठ सहित, हिमाचल प्रदेश राजपत्र में प्रकाशित करते हैं।

राज कुमार महाजन,
सचिव।

1989 का अधिनियम संख्यांक 4.

हिमाचल प्रदेश पंचायती राज (संशोधन और विधिमान्यकरण) विधेयक, 1988

(राज्यपाल द्वारा 24 फरवरी 1989 को यथा अनुमोदित किया गया)

हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 (1970 का 19) का और संशोधन करने और पंचायती राज संस्थाओं के क्षेत्रपालिकारियों को किए गए मानदेश के संदाय को भी, विधिमान्य करने के लिए अधिनियम ।

भारत गणराज्य के उन्नतालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

(1970 का 19) 1. (1) This Act may be called the Himachal Pradesh Panchayati Raj (Amendment and Validation) Act, 1988. संक्षिप्त नाम और प्रारम्भ ।

(2) It shall come into force at once, but section 7 shall and shall always be deemed to have come into force on the first day of April, 1988. धारा 47 का संशोधन ।

2. In section 47 of the Himachal Pradesh Panchayati Raj Act, 1968 (hereinafter called the principal Act), in sub-section (1)—

- (a) in clause (a) for the word "Baisakh", the word "April" shall be substituted; and
- (b) in clause (b) for the word "Chait", the word "March" shall be substituted.

3. In section 54 of the principal Act,—

- (i) after sub-section (2), the following new sub-section (2-A) shall be added, namely:—

"(2-A) The State Government may, on consideration of the enquiry report or if it thinks proper, for reasons to be recorded in writing, otherwise, instead of removing a Panch, warn him to be careful and vigilant in the discharge of his duties and may also debar him from taking part in any act or proceedings of the Gram Panchayat for a period not exceeding one year."; and

- (ii) in sub-section (4), after brackets and figure "(2)", but before the word "and", the sign comma, brackets, figure and alphabet ",(2-A)" shall be inserted.

4. For section 85 of the principal Act, the following new section 85, धारा 85 का प्रतिस्थापन ।

"85. *Disability to take part in discussion/proceedings of a Panchayat Samiti.* — The Chairman, Vice-Chairman or a member of a Panchayat Samiti shall not vote on, or take part in, the discussion of any question coming up for consideration at a meeting of a Panchayat Samiti—

- (i) if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest; or
- (ii) if he is holding said office being a Pradhan or a Panch of a Gram Panchayat and either an order of suspension has been made against him under sub-section (1) of section 54 or an

order debarring him from taking part in any act or proceedings of the Gram Panchayat has been made under sub-section (2-A) of section 54 of this Act and the said orders are in force; or

(iii) if he is co-opted out of the office bearers of the co-operative societies and has either been suspended or has been debarred from taking part in any act or proceedings of the said co-operative society and the suspension or disability to participate continues.”

धारा 142 5. For the sign “.” occurring at the end of sub-section (2) of section 142 of the principal Act, the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the Chairman, Vice-Chairman or a member of a Zila Parishad shall not vote on, or take part in the discussions of any question coming up for consideration at a meeting of the Zila Parishad during the period—

(a) in which an order of suspension or an order debarring him from taking part in any act or proceedings of a Gram Panchayat, passed against him as a Panch under sub-section (1), or as the case may be, under sub-section (2-A) of section 54 of this Act; or

(b) in which an order of suspension or an order debarring him from taking part in any act or proceedings of a Panchayat Samiti as a member or Vice-Chairman or Chairman of a Panchayat Samiti under sub-section (1) or sub-section (2-A) of section 153; remains in force.”

धारा 153 6. After sub-section (2) of section 153 of the principal Act, the following new sub-section (2-A) shall be added, namely:—

“(2-A) The State Government may, on consideration of the enquiry report or if it thinks proper, for reasons to be recorded in writing, otherwise, instead of removing a member, Vice-Chairman or Chairman of a Panchayat Samiti or member, Vice-Chairman or Chairman of a Zila Parishad, warn him to be careful and vigilant in the discharge of his duties and may also debar him from taking part in any act or proceedings of the Panchayat Samiti or Zila Parishad, as the case may be, for a period not exceeding one year.”

धारा 193 7. For section 193 of the principal Act, the following section shall be substituted, namely:—

पन । “193. The Chairmen and Vice-Chairmen of Panchayat Samitis and Zila Parishads and Pradhans and Up-Pradhans of Gram Panchayats may get such honorarium and other allowances as the Government may from time to time fix:

Provided that the honorarium shall be payable to a person only against the highest office he may be holding for the time being:

Provided further that no honorarium shall be payable for the period for which, in case of a Panchayat Samiti or Zila Parishad the Chairman or Vice-

Chairman, or in the case of a Gram Panchayat a Pradhan or Up-Pradhan, remains under suspension, if such suspension results in his being debarred for any length of time from taking part in any act or proceedings of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, or in his removal therefrom :

Provided further that no honorarium shall be payable for the period for which the Pradhan or Up-Pradhan of a Gram Panchayat, Chairman or Vice-Chairman of a Panchayat Samiti or Zila Parishad remains debarred from taking part in any act or proceedings of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be :

Provided further that if both the offices of Pradhan and Up-Pradhan of a Gram Panchayat become vacant by reason of resignation, death, suspension, removal or recall, the remaining Panches of the Gram Panchayat shall nominate by majority vote one Panch from amongst themselves to discharge the duties and perform the functions of the Pradhan till such time, not exceeding six months. a new Pradhan or Up-Pradhan is elected in the manner as provided in section 9 and such nominated Pradhan shall be paid the honorarium for the period during which he discharges the said duties and perform the said functions.

8. Where the Vice-Chairman of a Panchayat Samiti and Zila Parishad, Pradhan and Up-Pradhan of a Gram Panchayat has been paid an honorarium before the commencement of this Act but after the 1st day of April, 1988 he shall be deemed to have been validly paid the honorarium, as if the provisions of section 193 of the principal Act, as substituted by section 7 of this Act, were in force at all material times when such payments were made.

मानदेय के
संदाय का
विधिमान्य-
करण ।

(Authoritative English text of the Himachal Pradesh Panchayati Raj (Amendment and Validation) Adhiniyam, 1988 (1988 Ka Adhiniyam Sankhayank) as required under clause (3) of Article 348 of the Constitution of India)

Act No. 4 of 1989.

THE HIMACHAL PRADESH PANCHAYATI RAJ (AMENDMENT AND VALIDATION) ACT, 1988

(AS ASSENTED TO BY THE GOVERNOR ON 24TH FEBURARY, 1989

AN

ACT

further to amend the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970) and also to validate payment of honorarium made to certain functionaries of Panchayati Raj Institutions.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Himachal Pradesh Panchayati Raj (Amendment and Validation) Act, 1988.

(2) It shall come into force at once, but section 7 shall and shall always be deemed to have come into force on the first day of April, 1988.

Amendment of section 47.

2. In section 47 of the Himachal Pradesh Panchayati Raj Act, 1968 (19 of 1970) (hereinafter called the principal Act), in sub-section (1),—

- (a) in clause (a) for the word “Baisakh”, the word “April” shall be substituted; and
- (b) in clause (b) for the word “Chait”, the word “March” shall be substituted.

Amendment of section 54.

3. In section 54 of the principal Act,—

- (i) after sub-section (2), the following new sub-section (2-A) shall be added, namely:—

“(2-A) The State Government may, on consideration of the enquiry report or if it thinks proper, for reasons to be recorded in writing, otherwise, instead of removing a Panch, warn him to be careful and vigilant in the discharge of his duties and may also debar him from taking part in any act or proceedings of the Gram Panchayat for a period not exceeding one year.”; and

- (ii) in sub-section (4), after brackets and figure “(2)”, but before the word “and” the sign comma, brackets, figure and alphabet “,(2-A)” shall be inserted.

Substitution of section 85.

4. For section 85 of the principal Act, the following new section 85, along with its heading, shall be substituted, namely:—

“85. *Disability to take part in discussion/proceedings of a Panchayat Samiti.*—The Chairman, Vice-Chairman or a member of a Panchayat Samiti shall not vote on, or take part in, the discussion of

any question coming up for consideration at a meeting of a Panchayat Samiti—

- (i) if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest; or
- (ii) if he is holding said office being a Pradhan or a Panch of a Gram Panchayat and either an order of suspension has been made against him under sub-section (1) of section 54 or an order debarring him from taking part in any act or proceedings of the Gram Panchayat has been made under sub-section (2-A) of section 54 of this Act and the said orders are in force; or
- (iii) if he is co-opted out of the office bearers of the co-operative societies and has either been suspended or has been debarred from taking part in any act or proceedings of the said co-operative society and the suspension or disability to participate continues.”.

5. For the sign “.” occurring at the end of sub-section (2) of section 142 of the principal Act, the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—

Amendment of section 142.

“Provided that the Chairman, Vice-Chairman or a member of a Zila Parishad shall not vote on, or take part in the discussions of any question coming up for consideration at a meeting of the Zila Parishad during the period—

- (a) in which an order of suspension or an order debarring him from taking part in any act or proceedings of a Gram Panchayat, passed against him as a Panch under sub-section (1), or as the case may be, under sub-section (2-A) of section 54 of this Act, or
- (b) in which an order of suspension or an order debarring him from taking part in any act or proceedings of a Panchayat Samiti as a member or Vice-Chairman or Chairman of a Panchayat Samiti under sub-section (1) or sub-section (2-A) of section 153;

remains in force.”

6. After sub-section (2) of section 153 of the principal Act, the following new sub-section (2-A) shall be added, namely:—

Amendment of section 153.

“(2-A) The State Government may, on consideration of the enquiry report or if it thinks proper, for reasons to be recorded in writing, otherwise, instead of removing a member, Vice-Chairman or Chairman of a Panchayat Samiti or member, Vice-Chairman or Chairman of a Zila Parishad, warn him to be careful and vigilant in the discharge of his duties and may also debar him from taking part in any act or proceedings of the Panchayat Samiti or Zila Parishad, as the case may be, for a period not exceeding one year.”.

7. For section 193 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 193.

“193. The Chairmen and Vice-Chairmen of Panchayat Samitis and Zila Parishads and Pradhans and Up-Pradhans of Gram Panchayats

may get such honorarium and other allowances as the Government may from time to time fix:

Provided that the honorarium shall be payable to a person only against the highest office he may be holding for the time being :

Provided further that no honorarium shall be payable for the period for which, in case of a Panchayat Samiti or Zila Parishad the Chairman or Vice-Chairman, or in the case of a Gram Panchayat a Pradhan or Up-Pradhan, remains under suspension, if such suspension results in his being debarred for any length of time from taking part in any act or proceedings of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, or in his removal therefrom :

Provided further that no honorarium shall be payable for the period for which the Pradhan or Up-Pradhan of a Gram Panchayat, Chairman or Vice-Chairman of a Panchayat Samiti or Zila Parishad remains debarred from taking part in any act or proceedings of the Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be :

Provided further that if both the offices of Pradhan and Up-Pradhan of a Gram Panchayat become vacant by reason of resignation, death, suspension, removal or recall the remaining Panches of the Gram Panchayat shall nominate by majority vote one Panch from amongst themselves to discharge the duties and perform the functions of the Pradhan till such time, not exceeding six months, a new Pradhan or Up-Pradhan is elected in the manner as provided in section 9 and such nominated Pradhan shall be paid the honorarium for the period during which he discharges the said duties and perform the said functions.”.

Validation
of payment
of
honorarium.

8. Where the Vice-Chairman of a Panchayat Samiti and Zila Parishad, Pradhan and Up-Pradhan of a Gram Panchayat has been paid an honorarium before the commencement of this Act but after the 1st day of April, 1988 he shall be deemed to have been validly paid the honorarium, as if the provisions of section 193 of the principal Act, as substituted by section 7 of this Act, were in force at all material times when such payments were made.